

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

F.V. & M.V., individually and
on behalf of B.V.,

Plaintiffs,

v.

CHERRY HILL TOWNSHIP BOARD OF
EDUCATION,

Defendant.

Civil No. 21-18096-KMW-SAK

ORDER

This matter having come before the Court upon Defendant's Unopposed Motion to Dismiss Count Two of Plaintiff's Complaint [ECF No. 9]; and the Court having read the submission and heard the arguments of counsel during a hearing held on June 14, 2022; and the Court noting the following appearances: Jamie Epstein, Esquire, appearing on behalf of the Plaintiffs; and Eric L. Harrison, Esquire, appearing on behalf of the Defendant; and for the reasons set forth on the record;

IT IS this **15th** day of **June, 2022**, hereby **ORDERED**:

1. Defendant's Motion to Dismiss Count Two of Plaintiff's Complaint [ECF No. 9] is **GRANTED** without prejudice; and

2. The Court **DENIES** Plaintiffs' request to "suspend the 90 days" to allow for appeal of the April 6, 2022 Final IDEA Order until Plaintiffs' Motion to Amend [ECF No. 17] is decided; and

3. Plaintiffs' Motion to Amend [ECF No. 17] is **DISMISSED** without prejudice to allow Plaintiffs to refile a Motion to Amend that is not contingent upon suspending the deadline to appeal the above referenced IDEA Final Order.

s/ Karen M. Williams

KAREN M. WILLIAMS

United States District Judge

cc: Hon. Sharon A. King